

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$73,475.00 IN UNITED STATES
CURRENCY,

Defendant.

Civil No. 8:18CV 219

COMPLAINT FOR FORFEITURE *IN REM*

COMES NOW the Plaintiff, United States of America, and for its cause of action against the Defendant, states and alleges as follows:

Nature of the Action

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881.

The Defendant *In Rem*

2. The Defendant property consists of \$73,475.00 in United States currency seized from a white Nissan Titan on October 13, 2017, during a traffic stop on westbound Interstate 80 in Lancaster County, Nebraska. Ali-Saif Al-Mjamaie was driving the vehicle; Allen Matti was the only passenger. The Defendant property is presently in the custody of the U.S. Customs and Border Protection in Minneapolis, Minnesota.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881.

4. This Court has *in rem* jurisdiction over the Defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

Basis for the Forfeiture

6. The Defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act, 2) proceeds traceable to such an exchange or 3) money, negotiable instruments and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

Facts

7. On October 13, 2017, Lancaster County Sheriff's Office Deputy Jason Henkel stopped a white Nissan Titan for driving on the shoulder of Interstate 80 as it was travelling westbound in Lancaster County, Nebraska. As Henkel made contact with the occupants of the vehicle, he noted the odor of raw and burnt marijuana coming from the vehicle. He also noticed a green leafy substance, which he believed to be marijuana, on the center console of the vehicle.

8. Two men were in the vehicle. The driver was identified by his California driver's license as Ali-Saif Al-Mjamaie; the passenger was identified by his California driver's license as Allen Matti. Both men appeared extremely nervous. Al-Mjamaie's hands were trembling and Matti's breathing was labored. The men stated they were coming from Michigan and were on their way back to California. Henkel noticed the two rear passenger windows were partially down, the back window was approximately one quarter of the way down, the driver's window was partially down and the front passenger window was all the way down. Henkel also noticed an overwhelming odor of air freshener coming from the vehicle.

9. Al-Mjamaie sat with Henkel in the patrol vehicle. Al-Mjamaie said they had been up in Michigan seeing his cousin. He said Matti had just purchased the vehicle, which friends dropped off for them in Michigan. He then said a friend had actually bought the vehicle in Tennessee, and Matti had bought the vehicle from a woman who was a girl friend of that friend. He said that friend had driven them to Tennessee and dropped them off, then that friend left. They then traveled to Michigan and were now heading home.

10. While Henkel was speaking with Al-Mjamaie, Lincoln Police Department Officer John Hudec made contact with the passenger, Allen Matti. As he was at the vehicle, Hudec detected the odor of raw marijuana coming from inside of it. He noticed the rear window of the truck was lowered. He saw small pieces of marijuana on the center console area. He saw an air freshener hanging from the steering wheel column. Matti told Hudec Al-Mjamaie and he had flown from San Diego to Nashville to take possession of the Nissan Titan. Al-Mjamaie had provided Henkel with the title to the truck. It was an open title. Hudec gave it Matti, directing him to complete the title transaction.

11. Henkel asked Al-Mjamaie how much marijuana he had in the vehicle and if it was for personal use. Al-Mjamaie stated there was no marijuana in the vehicle. When Henkel mentioned the marijuana on the center console, Al-Mjamaie said that was "just personal". Al-Mjamaie said there was no large amounts of money in the vehicle. He said there was nothing in the vehicle that did not belong to them. Al-Mjamaie said a green bag in the back of the vehicle belonged to him. He said he had money in it, approximately one thousand dollars.

12. Both men gave the deputies consent to search the Nissan Titan. Deputies found a black backpack which Al-Mjamaie stated belonged to him. It contained \$4,100.00.

13. Deputies found a locked toolbox in a space under the spare tire. Matti said the toolbox should be unlocked, but if was not, he did not have a key to it. Deputies pried it open. It held a black backpack containing clothing and a pink neck pillow. That pillow contained rubber-banded bundles of U.S. currency. The black backpack also held a plastic bag which had a pillowcase in it. The pillowcase contained rubber-banded bundles of U.S. currency. As the deputies were discovering the currency, they smelled the odor of raw marijuana coming from it.

14. Deputy Henkel advised both Al-Mjamaie and Matti of their *Miranda* rights. Both men stated they understood them and agreed to speak with the deputies. Matti stated Al-Mjamaie obtained the pickup from Al-Mjamaie's relatives in Tennessee. He said he purchased the vehicle from Al-Mjamaie's family for \$9,500.00. He said Al-Mjamaie picked up the vehicle for him. He knew nothing about the money in the vehicle. Al-Mjamaie stated he was being paid \$2,000.00 to transport the money in the vehicle to California for a friend. He would not disclose the name of the friend.

15. The deputies found a total of \$73,475.00 in the Nissan Titan. It is the Defendant currency in this case.

16. At the Lancaster County Sheriff's Office, deputies performed a discretionary sniff of the money seized from the vehicle using a Nebraska-certified drug detection dog. It indicated the odor of controlled substances coming from the area where the Defendant currency had been hidden.

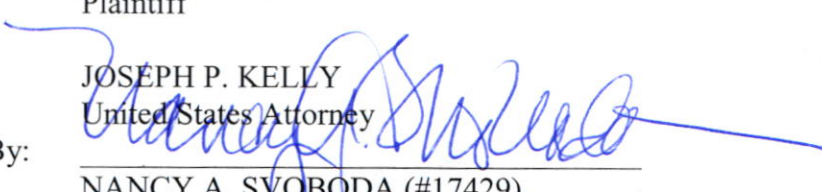
Claim for Relief

WHEREFORE, the Plaintiff, United States of America, prays the Defendant property be proceeded against for forfeiture in accordance with the laws, regulations and rules of this Court; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that the Defendant property be condemned, as forfeited, to the United States of America and disposed of according to law and regulations; that the costs of this action be assessed against the Defendant property; and for such other and further relief as this Court may deem just and equitable.

UNITED STATES OF AMERICA,
Plaintiff

JOSEPH P. KELLY
United States Attorney

By:




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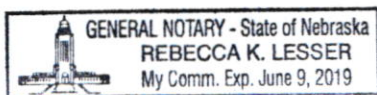
VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Pursuant to Rule C(2), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Assistant United States Attorney for the District of Nebraska, Nancy A. Svoboda, being first duly sworn, deposes and states the facts set forth herein are true and correct according to the best of her knowledge and belief.

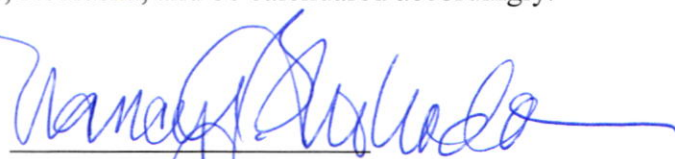

NANCY A. SVOBODA
Assistant U.S. Attorney

Subscribed and sworn to before me this 18th day of May, 2018.




Notary Public

Pursuant to the rules of this Court, the United States of America hereby requests the trial of the above and foregoing action be held in Omaha, Nebraska, and be calendared accordingly.


NANCY A. SVOBODA
Assistant U.S. Attorney